

SERVICE DATE – APRIL 25, 2014

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 414 (Sub-No. 7X)

IOWA INTERSTATE RAILROAD, LTD.—ABANDONMENT EXEMPTION—IN
POTTAWATTAMIE COUNTY, IOWA

Decided: April 24, 2014

Iowa Interstate Railroad, Ltd. (IAIS) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon a line of railroad extending from milepost 467.77 near Hancock Junction, Iowa, to the end of the track at milepost 469.59 near Oakland, Iowa, a distance of approximately 1.82 miles in Pottawattamie County, Iowa. Notice of the exemption was served and published in the Federal Register on March 27, 2014 (79 Fed. Reg. 17,233). The exemption is scheduled to become effective on April 26, 2014.

The Board's Office of Environmental Analysis (OEA) served an environmental assessment (EA) in this proceeding on April 1, 2014. In the EA, OEA states that the Iowa Department of Natural Resources (IDNR) submitted two comment letters. IDNR's Conservation and Recreation Division (CRD) commented that it conducted a search of its database for any rare species or significant natural communities that may be present within the area of the proposed abandonment and found no site specific records for such resources, but indicated that it would need to be notified if any such resources are encountered during the salvage process to determine further actions. CRD also notes that approvals from other IDNR offices, such as the Environmental Services Division, may be required prior to salvage operations. In a second agency-wide comment letter, IDNR recommends that best management practices be used during salvage operations, and that the U.S. Army Corps of Engineers (Corps) should be contacted for any potential impacts to waters of the United States and wetlands. Accordingly, OEA recommends that a condition be imposed requiring IAIS to consult with IDNR prior to conducting salvage operations to determine what, if any, approvals or permits are needed prior to initiating the salvage process, and to comply with the reasonable requirements of any required approvals or permits.

Additionally, OEA states the U.S. Army Corps of Engineers' (Corps) Omaha District commented that the proposed abandonment is within its Corps Civil Works boundary but outside its regulatory boundary and recommended contacting the Corps' Rock Island District. The Corps also commented that, if the proposed action involves the discharge of fill material in waters of the United States, a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344) would be required. Because IAIS did not specify whether any water resources would be impacted during salvage operations, OEA recommends that a condition be imposed requiring

IAIS to consult with the Corps' Rock Island District prior to salvage operations and to comply with its reasonable requirements.

Comments to the EA were due April 16, 2014. No comments were received. Accordingly, the conditions recommended by OEA in the EA will be imposed.

Based on OEA's recommendation, the proposed abandonment, if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the notice served and published in the Federal Register on March 27, 2014, exempting the abandonment of the line segment described above is subject to the conditions that IAIS shall: (1) consult with IDNR prior to initiating salvage operations to determine what, if any, approvals or permits may be needed to protect any rare species or significant natural communities, streams, and other flowing waterbodies, and provide best management practices, and, if approvals or permits are needed, to comply with IDNR's reasonable requirements; and (2) consult with the Corps' Rock Island District prior to initiating salvage activities for potential impacts to waters of the United States, including wetlands, and comply with the reasonable requirements of the Corps.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.